

# TWENTIETH ANNUAL REPORT

OF THE

## MASSACHUSETTS BOARD OF REGISTRATION IN PHARMACY,

FOR THE

YEAR ENDING SEPTEMBER 30, 1905.



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## NAMES OF BOARD AND OFFICERS.

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HENRY ADAMS, *President.*

FRED A. HUBBARD, *Secretary.*

WILLIAM F. SAWYER.

LUCIEN A. LAMSON.

CHARLES F. RIPLEY.

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JOSEPH E. BUSWELL, *Agent.*



# Commonwealth of Massachusetts.

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## REPORT.

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TO HIS EXCELLENCY WILLIAM L. DOUGLAS, *Governor.*

IN accordance with the laws of the Commonwealth, we have the honor to respectfully submit the following report concerning the condition of pharmacy in this State, and the official acts and financial transactions of the Board of Registration in Pharmacy.

There is evidence of improvement in the practice of pharmacy throughout the State, from a commercial point of view, and the same may be said from the professional standpoint. It is evident that the young men intending to make this their profession are giving more time to study, and the standard is gradually being raised. The increased attendance at the College of Pharmacy shows the desire for proper qualification, and the larger per cent. of successful candidates for certificates of registration is indicative of more careful study.

In 1904 at Kansas City the National Association of Boards of Pharmacy was formed, one purpose of which was the future reciprocity between States of certificates of registration. At the meeting at Atlantic City, in September, 1905, this Board was represented by the secretary, Mr. F. A. Hubbard, and Mr. William F. Sawyer. At present there are active and associate boards constituting the National Association, — the former of those States that have adopted the interchange of certificates of registration, and the latter those who have joined the association but not accepted the interchange of certificates. The laws of Massachusetts do not

permit registration except by examination; and we would recommend that they be so amended or changed that certificates from other States may be accepted as evidence of qualification to practise pharmacy in this Commonwealth, providing that in the examination of the applicant he received five per cent. more than the minimum per cent. required by the Massachusetts Board.

The law in relation to a registered pharmacist forming a copartnership with those who are not pharmacists, to carry on the drug business, is lax, and leads to the creation of drug stores to do a business not recognized by respectable druggists. We would therefore recommend that a registered pharmacist should have at least an unincumbered financial interest of five hundred dollars in a copartnership with persons not registered pharmacists, to carry on the business of pharmacy, and that the present laws relating to pharmacy be amended in this respect.

Complaints against druggists brought into court for alleged violation of the pharmacy laws are frequently made to the Board after the expiration of the limit of fifteen days from date of act complained of; and it is recommended that the portion of section 16, chapter 76, Revised Laws, beginning with line 12, be amended by striking out the words "within fifteen days after the date of the act complained of," and substituting the words "after conviction by a court of competent jurisdiction," so as to read, "Such complaint shall set out the offence alleged, and be made after conviction by a court of competent jurisdiction."

Under section 23, chapter 76, Revised Laws, we would recommend defining more closely what may be sold as "non-poisonous, domestic remedies," by grocers and others, as it is found in many cases the assortment carried by them would compare favorably with that of a well-equipped drug store, and it is difficult to draw the line of demarcation.

In many States the supervision of the poison law and the care for purity of drugs are in charge of the boards of pharmacy, while in this Commonwealth they rest with the Board of Health. It would seem eminently proper that they should come under the jurisdiction of the Board of Registration in



Pharmacy, and we recommend that they be transferred to this Board.

The salaries received by the Board of Registration do not, in some cases, amount to as much as the members have to pay for required additional clerical help in conducting their individual business; and it is deemed proper that they should receive just compensation for services rendered.

Respectfully submitted,

HENRY ADAMS, *President*.  
FRED A. HUBBARD, *Secretary*.  
WM. F. SAWYER.  
L. A. LAMSON.  
CHARLES F. RIPLEY.

BOSTON, MASS., Sept. 30, 1905.

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The resignation from the Board of President George M. Hoyt of East Weymouth, the latter part of February, was to be regretted, as the service rendered by him was valuable and always for the best interest of pharmacy. In the selection of Mr. Charles F. Ripley of Taunton to fill the vacancy a most admirable choice was made, for he quickly made himself familiar with his duties, and proved himself a valuable assistant in the work of the Board.

HENRY ADAMS.  
FRED A. HUBBARD.  
WM. F. SAWYER.  
L. A. LAMSON.

## SECRETARY'S REPORT.

### EXAMINATION ACCOUNT.

Meetings for examinations have been held on dates and with results as follows:—

1904-1905.	Days.	Examined.	Registered.	Rejected.	1904-1905.	Days.	Examined.	Registered.	Rejected.
October 4, .	1	7	1	6	March 28, .	1	11	4	7
October 11, .	1	10	4	6	April 4, . .	1	12	5	7
October 18, .	1	9	3	6	April 11, . .	1	11	7	4
October 25, .	1	9	3	6	April 18, . .	1	12	—	12
November 1, .	1	9	1	8	April 25, . .	1	11	4	7
November 15, .	1	11	2	9	May 2, . . .	1	7	3	4
November 22, .	1	9	5	4	May 9, . . .	1	10	1	9
November 29, .	1	8	2	6	May 16, . . .	1	9	1	8
December 13, .	1	9	3	6	May 23, . . .	1	10	1	9
December 27, .	1	10	3	7	May 29, . . .	1	11	4	7
January 3, . .	1	9	2	7	June 6, . . .	1	12	4	8
January 10, .	1	11	1	10	June 13, . . .	1	12	4	8
January 17, .	1	8	6	2	June 19, . . .	1	12	4	8
January 24, .	1	4	3	1	June 26, . . .	1	10	2	8
January 31, .	1	7	2	5	June 27, . . .	1	13	2	11
February 7, . .	1	9	2	7	June 30, . . .	1	11	4	7
February 14, .	1	9	5	4	September 26, .	1	10	5	5
February 21, .	1	12	5	7	Totals, . . .	37	368	121	247
February 28, .	1	13	7	6					
March 14, . .	1	11	6	5					

Of the 121 certificates granted this year: —

33	passed on first examination.	10	passed on sixth examination.
25	“ second “	4	“ seventh “
24	“ third “	1	“ fifteenth “
17	“ fourth “	1	“ twenty-second “
6	“ fifth “		

Fees for examination received for the year ending Sept. 30, 1905: —

For first examinations, 167 at \$5, . . .	\$835 00	
For re-examinations, 263 at \$3, . . .	789 00	
For duplicate certificates, 5 at \$1, . . .	5 00	
	<hr/>	\$1,629 00
Fees returned to applicants, upon their request		
not to be examined, 2 at \$5, . . .	\$10 00	
Cash paid to State Treasurer, . . .	1,619 00	
	<hr/>	\$1,629 00

Fees received for certificates of fitness from Oct. 1, 1904, to March 1, 1905: —

For certificates of fitness to expire April 30, 1905, 73		
at \$1, . . . . .		\$73 00
Cash paid to State Treasurer, certificates		
having been granted, . . . . .	\$45 00	
Fees returned, applications having been re-		
jected or withdrawn, . . . . .	26 00	
Fees transferred to new account, applications		
continued for action by the Board, . . .	2 00	
	<hr/>	\$73 00

Fees received for certificates of fitness from March 1, 1905, to Oct. 1, 1905: —

For certificates of fitness to expire April 30, 1906,		
1,289 at \$1, . . . . .		\$1,289 00
Cash paid to State Treasurer, certificates		
having been granted, . . . . .	\$1,179 00	
Fees returned, applications having been re-		
jected or withdrawn, . . . . .	107 00	
Fees transferred to new account, applications		
continued for action by the Board, . . .	3 00	
	<hr/>	\$1,289 00

Annual appropriation of the Board, for the year ending Dec. 31, 1906: —

Salaries of members, . . . . .	\$2,400 00
Expenses of members, . . . . .	1,475 00
Agent, salary and expense, . . . . .	2,400 00
Stenographer, witness fees, incidental and contingent	
expenses, including printing of annual report, . . .	1,500 00
	<hr/>
	\$7,775 00

NOTE. — The financial year of the State ends December 31, while the financial year of the Board ends September 30.

## Salaries of members:—

George M. Hoyt, president five months, . . .	\$208 33
Henry Adams, five months as member and seven months as president of Board, . . .	416 67
Fred A. Hubbard, secretary, . . . . .	1,000 00
William F. Sawyer, . . . . .	300 00
L. A. Lamson, appointed as a member of the Board the latter part of October, 1904, . . .	280 64
Charles F. Ripley, member of the Board five and two-thirds months, . . . . .	141 67

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\$2,347 31

## Expenses of members:—

George M. Hoyt, . . . . .	\$78 45
Henry Adams, . . . . .	414 70
Fred A. Hubbard, . . . . .	252 32
William F. Sawyer, . . . . .	110 49
L. A. Lamson, . . . . .	173 51
Charles F. Ripley, . . . . .	59 55

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1,089 02

## Agent, salary and expenses:—

Simon B. Harris, salary four months and work per diem two months, . . . . .	\$760 00
Expenses, . . . . .	368 43
Joseph E. Buswell, salary six months, . . . . .	750 00
Expenses, . . . . .	284 35

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2,162 78

## Stenographer, witness fees, incidental and contingent expenses:—

Bessie B. Burroughs, salary and over-time services, . . . . .	\$741 50
Witness fees, . . . . .	103 75
Wright & Potter, . . . . .	157 35
Laundry for examination department, . . . . .	8 49
G. M. Hoyt, telephone expense, . . . . .	1 10
For postal supplies, . . . . .	3 39
Press Clipping Bureau, . . . . .	25 70
Gilman Brothers, . . . . .	68 13
New England Telephone and Telegraph Com- pany, . . . . .	17 19
Pocket Manual Company, . . . . .	1 00
Whitall Tatum Company, . . . . .	3 69
Dennison Manufacturing Company, . . . . .	2 55
J. L. Hammett Company, . . . . .	12 00
Samuel Ward Company, . . . . .	48 27
Remington Typewriter Company, . . . . .	68 95

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*Amounts carried forward, . . . . .* \$1,263 06

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\$5,599 11

*Amounts brought forward,* . . . \$1,263 06 \$5,599 11

Stenographer, witness fees, incidental and contingent expenses—*Concluded.*

Henry W. Stone, . . . . .	18 75	
Old Corner Book Store, . . . . .	7 25	
J. L. Fairbanks Company, . . . . .	14 20	
William H. Bradford, . . . . .	1 45	
Houghton & Dutton, . . . . .	1 25	
National Association of State Boards of Pharmacy, . . . . .	10 00	
Clerk of courts, . . . . .	50	
Sampson, Murdock Company, . . . . .	6 50	
Neostyle Company, . . . . .	1 30	
Pocket Manual Company, . . . . .	1 00	
		1,325 26
		<hr/>
		\$6,924 37

The following registered pharmacists have died during the past year:—

Adams, Amasa P., . . . Thorndike.	Menard, Anthyme S., . . Holyoke.
Arsenault, Dennis A., . . Southbridge.	Murphy, Cornelius, . . Brockton.
Baker, Albert M., . . . Boston.	Poor, Edwin, . . . . Haverhill.
Baker, Lewis H., . . . Provincetown.	Roche, Edson M., . . . Deerfield.
Barker, Anson J., . . . Taunton.	Spiller, Fred M., . . . Abington.
Crane, Charles H., . . . Somerville.	Strong, William H., . . Fall River.
Davis, William H., . . . Fall River.	Sullivan, James J., . . Springfield.
Douglass, Frank M., . . New Bedford.	Trickey, Daniel W., . . Boston.
Henotte, Constant, . . . Lowell.	Upton, Albert A., . . . Worcester.
Kellogg, George F., . . . Brookline.	Von der Heyde, Otto, . . Boston.
Kennedy, John J., . . . Framingham.	Webster, George C., . . Boston.
Lakin, John H., . . . Boston.	Wells, Charles W., . . . Lowell.
Losee, James H., . . . Springfield.	Wilson, John B., . . . Mansfield.
Manning, Francis T., . . Lynn.	

## SUMMARY.

Number of meetings held for hearings and miscellaneous business,	17
Number of hearings on applications for certificates of fitness, .	196
Number of hearings on violations of the pharmacy law, . .	12
Number of hearings on applications for reinstatement, . .	6
Number of hearings on applications for duplicate certificates, .	2
Number of certificates suspended for five years, . . . .	2
Number of certificates suspended for two years, . . . .	5
Number of certificates suspended for one year, . . . .	1
Number of certificates suspended for six months, . . . .	2
Number of cases continued for sentence, . . . .	2
Number of pharmacists reinstated, . . . .	2
Number of cases reopened and sentences changed, . . . .	2
Number of drug stores doing business in the State, . . .	1,515
Number of drug stores closed during the year, . . . .	27
Number of new stores opened during the year, . . . .	18
Number of stores found owned by unregistered proprietors, .	10
Number of complaints made to the Board investigated, . .	136
Number of complaints reported for prosecution, . . . .	29
Number of druggists convicted in court, . . . .	24
Number of cases continued for trial, . . . .	12
Number of cases placed on file, . . . .	1
Number found not guilty, . . . .	1
Number imprisoned, . . . .	1
Amount of fines imposed, . . . .	\$675
Number of formal complaints made to the Board by its agent, .	21

FRED A. HUBBARD,

*Secretary.*

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L A W S

RELATING TO

THE PRACTICE OF PHARMACY

IN

MASSACHUSETTS.

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1905.

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# LAWS RELATING TO PHARMACY.

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## CHAPTER 76, REVISED LAWS.

### REGISTRATION OF PHARMACISTS.

SECTION 10. There shall be a board of registration in pharmacy consisting of five persons, residents of the commonwealth, who shall be skilled pharmacists, and shall have had ten consecutive years of practical experience in the compounding and dispensing of physician's prescriptions, and shall be actually engaged in the drug business. Not more than one member shall have any financial interest in the sale of drugs, medicines and chemicals, and the compounding and dispensing of physician's prescriptions in the same councillor district. One member of said board shall annually in September be appointed by the governor, with the advice and consent of the council, for a term of five years from the first day of October following, and no person appointed after the twenty-fifth day of June in the year eighteen hundred and ninety-nine shall serve as a member of said board for more than five consecutive years.

SECTION 11. Said board shall meet on the first Tuesday of October in each year at such time and place as it may determine, and shall organize by electing a president and secretary, who shall be members of the board and who shall hold their offices for the term of one year. The secretary shall give to the treasurer and receiver general a bond with sufficient sureties, to be approved by the governor and council, for the faithful performance of his official duties. The board shall annually hold regular meetings on the first Tuesday of January, May and October and additional meetings at such times and places as it shall determine.

SECTION 12. Each member of the board shall receive five dollars for every day actually spent in the performance of his duties and the amount actually paid by him, not exceeding three cents a mile each way, for necessary travelling expenses in attending the meetings of the board. The bills for such compensation and his incidental and travelling expenses shall be approved by the board and paid by the commonwealth. So much of the receipts from examinations as may be necessary for the com-

pensation and expenses of the board may, in addition to any amount authorized by the general court, be used for such purpose.

SECTION 13. The board shall keep a record of the names of all persons examined and registered hereunder and of all money received and disbursed by it, and a duplicate thereof shall be open to inspection in the office of the secretary of the commonwealth. Said board shall annually, on or before the first day of January, make a report to the governor and council of the condition of pharmacy in the commonwealth, of all its official acts during the preceding year and of its receipts and disbursements.

SECTION 14. A person who desires to do business as a pharmacist shall, upon payment of five dollars, be entitled to examination, and if found qualified shall be registered as a pharmacist and shall receive a certificate signed by the president and secretary of said board. Any person who fails to pass such examination shall upon request be re-examined after the expiration of three months at any regular meeting of the board, upon the payment of three dollars. All fees received by the board shall be paid by its secretary into the treasury of the commonwealth.

SECTION 15. Every person who has received a certificate of registration from the board shall conspicuously display the same in his place of business.

SECTION 16. The board shall hear all applications by registered pharmacists for the granting of sixth class licenses, if a hearing is requested by the applicant, and all complaints made to them against any person registered as a pharmacist charging him in his business as a pharmacist with violating any of the laws of the commonwealth, the enforcement of which is under the supervision of the board of registration in pharmacy, and especially of the laws relating to the sale of intoxicating liquor; or engaging with, or aiding or abetting, another in the violation of said laws; or, if he himself is not the owner and actively engaged in such business, with suffering or permitting the use of his name or certificate of registration by others in the conduct of the business of pharmacy. Such complaint shall set out the offence alleged and be made within fifteen days after the date of the act complained of. The board shall notify the person complained against of the charge against him and of the time and place of the hearing at which he may appear with his witnesses and be heard by counsel. Three of the members of the board shall be a quorum for such hearing. Witnesses at hearings before such board shall testify under oath and may be sworn by a member of the board. The board shall have power to send for persons and compel the attendance of witnesses at said hearings.

SECTION 17. If the full board sitting at such hearing finds

the person guilty, the board may suspend the effect of the certificate of his registration as a pharmacist for such term as the board fixes, but the license or certificate of registration of a registered pharmacist shall not be suspended for a cause punishable by law until after his conviction by a court of competent jurisdiction.

SECTION 18. Whoever, not being registered as aforesaid, retails, compounds for sale or dispenses for medicinal purposes or keeps or exposes for sale drugs, medicines, chemicals or poisons, except as provided in section twenty-three, shall be punished by a fine of not more than fifty dollars. But the provisions of this section shall not prohibit the employment of apprentices or assistants under the personal supervision of a registered pharmacist.

SECTION 19. The board shall investigate all complaints of the violation of the provisions of sections ten to twenty-three, inclusive, and report the same to the proper prosecuting officers, and especially investigate and cause to be prosecuted all violations of sections twenty-one to twenty-nine, inclusive, of chapter one hundred.

SECTION 20. The board of registration in pharmacy may annually expend not more than two thousand dollars in the performance of its official duties.

SECTION 21. A registered pharmacist against whom a complaint or charge is pending before the board, or his counsel, shall have the same right of access to documents in the possession of said board as a person who is charged with crime in the courts of the commonwealth would have to documents in the possession of the clerk of the court or of the prosecuting officer.

SECTION 22. The court or magistrate before whom a person is convicted of a violation of section twenty-six of chapter seventy-five, of section eighteen of this chapter, of sections twenty-five, twenty-six, twenty-seven of chapter one hundred or of section two of chapter two hundred and thirteen shall send to the board of registration in pharmacy a certificate under seal showing the time, cause and place of conviction.

SECTION 23. The provisions of sections twenty-one to twenty-nine, inclusive, of chapter one hundred, section twenty-six of chapter seventy-five and section two of chapter two hundred and thirteen shall not apply to physicians who put up their own prescriptions or dispense medicines to their patients: nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture or sale of patent and proprietary medicines; nor to the sale of non-poisonous domestic remedies usually sold by grocers and others; nor shall any unregistered member of a copartnership be liable to the penalties hereof if he retails, com-

pounds for sale or dispenses for medicinal purposes drugs, medicines, chemicals or poisons only under the personal supervision of a registered pharmacist. The widow, executor or administrator of a registered pharmacist who has died or the wife of one who has become incapacitated may continue his business under a registered pharmacist.

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#### CHAPTER 100, REVISED LAWS.

##### INTOXICATING LIQUORS, — DRUGGISTS AND APOTHECARIES.

SECTION 21. Druggists and apothecaries may sell pure alcohol for medicinal, mechanical or chemical purposes; and wholesale druggists and apothecaries may also sell liquor of any kind, not to be drunk on the premises, under a license of the fourth class.

SECTION 22. No license for the sale of spirituous or intoxicating liquor, except of the sixth class, shall be granted to retail druggists or apothecaries. One or more licenses of the sixth class shall be granted annually by the licensing board of cities, or by the mayor and aldermen of cities having no such board, or by the selectmen of towns, to retail druggists or apothecaries who are registered pharmacists actively engaged in business on their own account, upon presentation to the licensing board of the certificate of fitness prescribed by the following section, if it appears that the applicant is a proper person to receive such license, and is not disqualified to receive it under the provisions of sections fifty-three and fifty-four. A registered pharmacist who owns stock of the actual value of at least five hundred dollars in a corporation which has been incorporated for the purpose of carrying on the drug business, and who conducts in person the business of a store of such corporation, shall be considered as actively engaged in business on his own account and as qualified to receive a license for such store.

SECTION 23. The board of registration in pharmacy may, upon the payment by an applicant for a license of the sixth class of a fee of not more than one dollar, issue to him a certificate, which shall not be valid after one year from its date, stating that in the judgment of said board he is a proper person to be entrusted with such license and that the public good will be promoted by the granting thereof. Any registered pharmacist against whom no complaints have been made to said board may be considered a proper person to receive such certificate. If complaint is made, it shall state in writing the reason why a certificate should be withheld.

SECTION 24. A license of the sixth class shall become null and void without any process or decree, if the registered pharmacist to whom it has been granted ceases to conduct his business



in person and on his own account, or upon the revocation of his certificate of registration as a pharmacist, unless the registered pharmacist has become unable to so conduct his business or has died, and his business is continued by his wife, widow, executor or administrator under another registered pharmacist.

SECTION 25. Retail druggists and apothecaries shall not sell intoxicating liquor of any kind for medicinal, mechanical or chemical purposes except upon the certificate of the purchaser, which shall state the use for which it is wanted, and which shall be immediately cancelled at the time of sale in such manner as to show the date of cancellation. They shall not, when making such sales upon the prescription of a physician, be subject to the provisions of the second clause of section seventeen.

SECTION 26. Every retail druggist and apothecary shall keep a book in which he shall enter, at the time of every such sale, the date thereof, the name of the purchaser, the kind, quantity and price of said liquor, the purpose for which it was sold, and the residence by street and number, if there be such, of said purchaser. If such sale is made upon the prescription of a physician, the book shall also contain the name of the physician and shall state the use for which said liquor is prescribed and the quantity to be used for such purpose, and shall be cancelled in the manner before provided with reference to certificates. Said book shall be in form substantially as follows:—

Date.	Name of Purchaser.	Residence.	Kind and Quantity.	Purpose of Use.	Price.	Name of Physician.
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The certificate mentioned in the preceding section shall be a part of said book, and shall not be detached therefrom, and shall be in form substantially as follows:—

*Certificate.*

I wish to purchase\_\_\_\_\_

and I certify that I am not a minor and that the same is to be used for  
\* Mechanical \* Chemical \* Medicinal purposes. [\* Draw a line through  
the words which do not indicate the purpose of the purchase.]

Signature\_\_\_\_\_

Cancelled\_\_\_\_\_

SECTION 27. The book, certificates and prescriptions provided for in the two preceding sections and the book provided for in section thirty-two shall at all times be open to the inspection of the licensing board in cities having such boards and in all other

cities and towns, to the inspection of the mayor and aldermen, selectmen, overseers of the poor, sheriffs, constables, police officers and justices of the peace.

SECTION 28. Whoever makes or issues a false or fraudulent certificate or prescription referred to in sections twenty-five and twenty-six shall be punished by a fine of ten dollars.

SECTION 29. Whoever, not being a registered pharmacist, procures a sixth class license for the sale of intoxicating liquors in the name of a registered pharmacist who is dead, or in the name of a registered pharmacist by borrowing, hiring or purchasing the use of his certificate, and who, being himself the owner or manager of the place, shall himself or by his servants sell intoxicating liquor, shall be punished by a fine of not less than fifty nor more than five hundred dollars, and by imprisonment for not less than one nor more than six months. The provisions of section ten of chapter two hundred and twenty shall not apply to such sentence.

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#### CHAPTER 100, REVISED LAWS.

##### GRANTING OF LICENSES BY LOCAL BOARD.

SECTION 16. The licensing board may at any time refuse to issue a license to a person whom it considers unfit to receive the same; but the provisions of this chapter shall not be so construed as to compel said licensing board to grant licenses.

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#### CHAPTER 100, REVISED LAWS.

##### CONDITIONS OF LICENSES.

SECTION 17. Each license shall be expressed, to be subject to the following conditions:—

First, That the provisions in regard to the nature of the license, and the building in which the business may be carried on under it, shall be strictly adhered to.

Second, That spirituous or intoxicating liquor shall not be sold between the hours of eleven at night and six in the morning or on the Lord's day; but if the licensee is also licensed as an innholder he may, between the hours of six in the morning and eleven at night on the Lord's day, supply such liquors to guests who have resorted to his inn for food and lodging.

Third. That spirituous or intoxicating liquor shall not be sold, exchanged or delivered, or exposed, offered or kept for sale, exchange or delivery, upon the licensed premises, unless it is of

good standard quality and is free from any adulteration prohibited in the Pharmacopœia of the United States or by the laws relative to adulteration of drugs and food, for either a food or a drug. If it is marked, labelled or represented as being the product of any foreign country, it shall also be of the standard quality required for its legal sale for domestic use in the country of its reputed production. All such liquors which are sold, exchanged or delivered, or which are exposed or kept for sale, exchange or delivery, under a license of the sixth class, shall be of the quality required for their sale as drugs under the provisions of the laws relative to the adulteration of drugs and food.

Fourth, That liquor shall not be sold or delivered on the licensed premises to a person who is known to be a drunkard, to an intoxicated person, or to a person who is known to have been intoxicated within the six months last preceding, or to a minor, either for his own use, the use of his parents or of any other person, or, unless upon the prescription of a duly registered physician, to a person known to have been supported in whole or in part by public charity at any time during the twelve months last preceding the date of the license.

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#### CHAPTER 100, REVISED LAWS.

##### FORFEITURE OF LICENSE.

SECTION 47. The licensing board, after notice to the licensee and reasonable opportunity for him to be heard by them or by a committee of the mayor and aldermen or selectmen, if the license was granted by them, may declare his license forfeited, upon satisfactory proof that he has violated or permitted a violation of any condition thereof. The pendency of proceedings before a court of justice shall not suspend or interfere with the power herein given to decree a forfeiture. If the license is declared to have been forfeited, the licensee shall be disqualified to receive a license for one year after the expiration of the term of the license so forfeited, and if he is the owner of the premises described in such forfeited license, no license shall be issued to be exercised on said premises for the residue of the term thereof.

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#### CHAPTER 100, REVISED LAWS.

##### TRANSFER OF LICENSES.

SECTION 44. Licensing boards may transfer licenses from one location to another within the city or town in which such licenses are in force; but such transfer shall be granted only to

the original licensee, and like notice shall be given, the same provisions shall apply, and other proceedings shall be the same as are required upon the granting of licenses, except that no new license fee shall be required.

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CHAPTER 213, REVISED LAWS.

OF CRIMES AGAINST THE PUBLIC HEALTH.

SECTION 2. Whoever sells arsenic (arsenious acid), atropia or any of its salts, chloral hydrate, chloroform, cotton root and its fluid extract, corrosive sublimate, cyanide of potassium, Donovan's solution, ergot and its fluid extract, Fowler's solution, laudanum, McMunn's elixir, morphia or any of its salts, oil of pennyroyal, oil of savin, oil of tansy, opium, Paris green, Parsons' vermin exterminator, phosphorus, prussic acid, "rough on rats", strychnia or any of its salts, tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum viride, or carbolic acid, without the written prescription of a physician, shall affix to the bottle, box or wrapper containing the article sold a label of red paper upon which shall be printed in large black letters the name and place of business of the vendor and the words *Poison* and *Antidote*, and the label shall also contain the name of an antidote, if any, for the poison sold. He shall also keep a record of the name and quantity of the article sold and of the name and residence of the person or persons to whom it was delivered, which shall be made before the article is delivered and shall at all times be open to inspection by the officers of the district police and by the police authorities and officers of cities and towns; but no sale of cocaine or its salts shall be made except upon the prescription of a physician. Whoever neglects to affix such label to such bottle, box or wrapper before delivery thereof to the purchaser or whoever neglects to keep or refuses to show to said officers such record or whoever purchases any of said poisons and gives a false or fictitious name to the vendor shall be punished by a fine of not more than fifty dollars. The provisions of this section shall not apply to sales by wholesale dealers or manufacturing chemists to retail dealers, or to a general merchant who sells Paris green, London purple or other arsenical poisons in unbroken packages containing not less than one-quarter of a pound, for the sole purpose of destroying potato bugs or other insects upon plants, vines or trees, except that he shall record each sale and label each package sold, as above provided.



## CHAPTER 321, ACTS OF 1902.

AN ACT TO AUTHORIZE THE BOARD OF REGISTRATION IN PHARMACY TO RECONSIDER ITS ACTION IN CASES WHERE IT MAY HAVE SUSPENDED OR REVOKED THE LICENSE OR CERTIFICATE OF REGISTRATION.

*Be it enacted, etc., as follows :*

SECTION 1. Section seventeen of chapter seventy-six of the Revised Laws is hereby amended by inserting after the word "suspended", in the fifth line, the words:— or revoked,— and by adding at the end thereof the words:— The board may at any time in its discretion reconsider its action in cases where it has suspended or revoked the license or certificate of registration of a pharmacist, and may change its determination as justice shall require.— so as to read as follows:— *Section 17.* If the full board sitting at such hearing finds the person guilty, the board may suspend the effect of the certificate of his registration as a pharmacist for such term as the board fixes, but the license or certificate of registration of a registered pharmacist shall not be suspended or revoked for a cause punishable by law until after his conviction by a court of competent jurisdiction. The board may at any time in its discretion reconsider its action in cases where it has suspended or revoked the license or certificate of registration of a pharmacist, and may change its determination as justice shall require.

SECTION 2. This act shall take effect upon its passage.

[*Approved April 18, 1902.*

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CHAPTER 327, ACTS OF 1902.

AN ACT RELATIVE TO CONDUCTING THE BUSINESS OF A DECEASED PHARMACIST BY HIS WIDOW, EXECUTOR OR ADMINISTRATOR.

*Be it enacted, etc., as follows :*

SECTION 1. Section twenty-three of chapter seventy-six of the Revised Laws is hereby amended by adding at the end thereof the words:— who may also be considered qualified to receive a sixth class license to be exercised upon said premises of said deceased or incapacitated pharmacist under the registered licensee's personal supervision. The provisions of section twenty-two of chapter one hundred, so far as they may be inconsistent herewith, shall not apply to licenses issued hereunder,— so as to read as follows:— *Section 23.* The provisions of sections twenty-one to twenty-nine, inclusive, of chapter one hundred,

section twenty-six of chapter seventy-five and section two of chapter two hundred and thirteen shall not apply to physicians who put up their own prescriptions or dispense medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture or sale of patent and proprietary medicines; nor to the sale of non-poisonous domestic remedies usually sold by grocers and others; nor shall any unregistered member of a copartnership be liable to the penalties hereof if he retails, compounds for sale or dispenses for medicinal purposes drugs, medicines, chemicals or poisons only under the personal supervision of a registered pharmacist. The widow, executor or administrator of a registered pharmacist who has died or the wife of one who has become incapacitated may continue his business under a registered pharmacist, who may also be considered qualified to receive a sixth class license to be exercised upon said premises of said deceased or incapacitated pharmacist under the registered licensee's personal supervision. The provisions of section twenty-two of chapter one hundred, so far as they may be inconsistent herewith, shall not apply to licenses issued hereunder.

SECTION 2. This act shall take effect upon its passage.

[Approved April 18, 1902.]

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CHAPTER 505, ACTS OF 1902.

AN ACT TO ESTABLISH THE SALARIES OF THE MEMBERS OF THE BOARD OF REGISTRATION IN MEDICINE, THE BOARD OF REGISTRATION IN PHARMACY AND THE BOARD OF REGISTRATION IN DENTISTRY.

*Be it enacted, etc., as follows:*

SECTION 2. The secretary of the board of registration in pharmacy shall receive a salary of one thousand dollars a year, and the other members of said board shall each receive a salary of three hundred dollars a year, except that the chairman of said board shall receive a salary of five hundred dollars.

SECTION 4. Each member of the boards mentioned in sections one, two and three shall receive in addition to his salary his necessary travelling expenses actually incurred in attending the meetings of the board. The salaries and expenses of the members of the board of registration in medicine, the board of registration in pharmacy and the board of registration in dentistry shall be paid out of the treasury of the Commonwealth.

SECTION 5. The fees received for examination and registration of applicants before the board of registration in medicine,

before the board of registration in pharmacy, and before the board of registration in dentistry, shall be paid monthly by the secretaries of the respective boards into the treasury of the Commonwealth.

SECTION 6. Sections four, twelve and twenty-seven of chapter seventy-six of the Revised Laws are hereby repealed.

SECTION 7. This act shall take effect on the first day of July in the year nineteen hundred and two.

[*Approved June 23, 1902.*

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CHAPTER 50, ACTS OF 1905.

AN ACT MAKING APPROPRIATIONS FOR THE BOARD OF REGISTRATION IN PHARMACY.

*Be it enacted, etc., as follows :*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the board of registration in pharmacy, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit :—

For the salaries of the members of the board, twenty-four hundred dollars.

For travelling and other expenses of the board, a sum not exceeding fourteen hundred and seventy-five dollars.

For the salary and expenses of the agent of the board, a sum not exceeding twenty-four hundred dollars.

For a stenographer, for witness fees, and for other incidental and contingent expenses of the board, the same to include printing the annual report, a sum not exceeding fifteen hundred dollars.

SECTION 2. This act shall take effect upon its passage.

[*Approved February 6, 1905.*

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CHAPTER 220, ACTS OF 1905.

AN ACT RELATIVE TO WOOD ALCOHOL.

*Be it enacted, etc., as follows :*

SECTION 1. Whoever, himself or by his servant or agent, or as the servant or agent of any other person, sells, exchanges or delivers any wood alcohol, otherwise known as methyl alcohol, shall affix to the vessel containing the same and shall deliver therewith a label bearing the words "Wood Alcohol, Poison", in black letters of uncondensed Gothic type not less than one-

fourth of an inch in height. Whoever violates the provisions of this section shall pay a fine of not less than fifty dollars nor more than two hundred dollars.

SECTION 2. Whoever, himself or by his servant or agent, or as the servant or agent of any other person, sells, exchanges or delivers, or has in his possession with intent to sell, exchange or deliver, any article of food or drink, or any drug intended for internal use, containing any wood alcohol, otherwise known as methyl alcohol, shall be punished by a fine of not less than two hundred dollars or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

*[Approved March 27, 1905.]*